

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

Margo E. Brown

16CV9396
JUDGE GETTLEMAN
MAG. JUDGE WEISMAN

Plaintiff(s),

Case

v. Country Club Hills SD#160

Mrs. Jennifer Volpe, Dr. Thomas

Dr. Kibbons

Defendant(s).

Dr. Sandra Thomas

Dr. Pamela Kibbons

RECEIVED

SEP 30 2016

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Margo E. Brown of the
county of COOK in the state of ILLINOIS.

3. The defendant is Country Club Hills SD#160, Dr. Sandra Thomas whose
Mrs. Jennifer Volpe Dr. Pam Kibbons
street address is 4411 W. 185th Street

(city) Country Club Hills (county) COOK (state) ILLINOIS (ZIP) 60478

(Defendant's telephone number) (708) - 957-6200

4. The plaintiff sought employment or was employed by the defendant at (street address)

4411 W. 185th Street (city) Country Club Hills

(county) COOK (state) IL (ZIP code) 60478

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☒ was hired and is still employed by the defendant.
- (c) ☐ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) April, (day) 13, (year) 2016.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

- (a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☐ *has* ☐ *has not* filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) July (day) 6 (year) 2016.
- (ii) ☐ the Illinois Department of Human Rights, on or about (month) _____ (day) _____ (year) _____.

- (b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☒ Yes, ☐ No, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)_____ (day)_____ (year)_____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month)_____
(day)_____ (year)_____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ Yes ☐ No, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ Yes ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not
issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued
a *Notice of Right to Sue*, which was received by the plaintiff on
(month) July (day) 6 (year) 2016 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [**check only
those that apply**]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [**check only those that apply**]

- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above:
Retaliation for association with disabled union President
- (h) ☒ other (specify): union activity - negotiation team

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

Being targeted due to union (being on the
union negotiation team. Association with the union
officers Retaliation against all negotiatiⁿ team
and helping the union President who has a disability
and working under the ADA

13. The facts supporting the plaintiff's claim of discrimination are as follows:

- Letter of Direction See attachment
- Slanders accusations
- Defamatory statements with no evidence
- Administrator stating that I "threatened" her
- See attachment - no having supplies to take care of sick children
- Poor working conditions
- ^{Association} ~~Assisting~~ Union President with ADL with a known disability

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ Yes ☐ No

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☐ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ Direct the defendant to (specify): Stop harassment, target
creating a hostile working environment, provide services
for children, pay for loss wages due to early retirement

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

Rev. 06/27/2016

due to stress, slander and libelous remarks and
sending emails to administrators that are untrue and
intended. Did not reside respond to request
appropriately.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

Right to SUE

(SEE Attachment (1) EEOC (2) Illinois Department of Human Rights
(3) Letter of Direction (4) Rebuttal to letter of Direction
(5) Letter of Direction & Summary (6) Emails

- (g) ☐ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☒ Grant such other relief as the Court may find appropriate.


(Plaintiff's signature)

Margo E. Brown
(Plaintiff's name)

18640 Walnut Avenue
(Plaintiff's street address)

(City) Country Club Hills (State) IL (ZIP) 60478

(Plaintiff's telephone number) (708) - 932-5428

Date: 9/30/16

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**440-2016-04760****Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Margo E. Brown

Home Phone (Incl. Area Code)

(708) 206-3330

Date of Birth

09-09-1956

Street Address

City, State and ZIP Code

18640 Walnut Avenue, Country Club Hills, IL 60478

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

COUNTRY CLUB HILLS SCHOOL DISTRICT 160

No. Employees, Members

101 - 200

Phone No. (Include Area Code)

(708) 957-6200

Street Address

City, State and ZIP Code

18635 South Lee Street, Country Club Hills, IL 60478

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest**06-07-2016**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment with Respondent in or about August 1999. My current position is District Registered Nurse. Respondent is aware of the Union President's disability. On or about June 7, 2016, I was disciplined.

I believe I have been discriminated against because of disability, and in retaliation, in violation of the Americans with Disabilities Act of 1990, as amended.

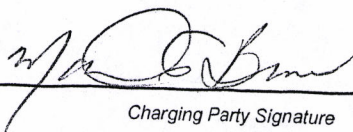
RECEIVED EEOC**JUN 28 2016****CHICAGO DISTRICT OFFICE**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Jun 28, 2016

Date



Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Margo E. Brown**
18640 Walnut Avenue
Country Club Hills, IL 60478

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

440-2016-04760

Seth Sinclair,
Investigator

(312) 869-8130**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state)

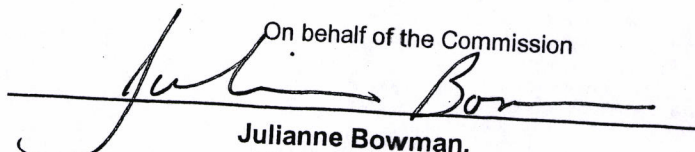
- NOTICE OF SUIT RIGHTS -

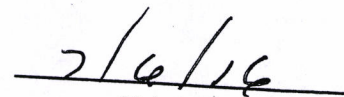
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Julianne Bowman,
District Director


 (Date Mailed)

Enclosures(s)

COUNTRY CLUB HILLS SCHOOL DISTRICT 160
Chief Executive Officer
4411 West 185th Street
Country Club Hills, IL 60478



Country Club Hills School District 160
4411 West 185th Street
Country Club Hills, IL 60478-5219

MEMORANDUM

DATE: April 13, 2016
TO: Margo Brown
FROM: Jennifer Volpe, Director of Special Services
RE: Letter of Direction
CC: Dr. Karen Jones
Dr. Antonia Hill
Mrs. Bridget Harris
Lynette Campbell

This Letter of Direction is written regarding our concerns with your performance during the 2015-2016 school year.

I. Problem Areas

- Interacting with administration in a disrespectful manner.
- Displaying a negative attitude and comments in team and IEP meetings, impacting school culture.
- Failure to comply with the Director's directive to facilitate 504 Plan meetings.

II. Prior Discipline and/or Direction

- Prior Direction: Communicate issues and concerns following the district administrative hierarchy.
- Prior Direction: Directed to facilitate 504 Plan meetings for the 2015-2016 School year.

III. Expectations and Immediate Action

- When interacting with building and District administrators, verbally and/or via email, use professional and respectful communication. Respectful communication includes appropriate tone, and voice volume, and refraining from interrupting and/or speaking over the other person. Communicating frustration and/or disagreement is appropriate, however, always be mindful of the way in which you deliver the content of your message.
- When interacting with staff, refrain from negative comments regarding administration, district procedures and issues that are more appropriately discussed in a private meeting.
- If you have complaints, schedule a meeting with the appropriate administrator(s) and follow the chain of command. Bring all issues and concerns to the building and district administration for resolution not the Superintendent. If you have followed all channels of communication with the administration and the issue is not resolve, you should then contact the Superintendent's office and make an appointment to speak with her. It is not appropriate for you to cc her on numerous emails. You may contact the Superintendent in cases of crisis or emergency.
- Ensure all students requiring 504 Plan annual reviews are conducted by June 10, 2016

You are to undertake the above changes in your conduct and performance immediately. These changes need to continue for the 2016-2017 school year.

Received by: _____
Employee

Date: _____

Employee refused to sign. ✓

Administrator: _____

Date: June 15, 2016

Administrator: Jennifer J. Vafe

Date: 4/15/16



Country Club Hills School District 160
4411 West 185th Street
Country Club Hills, IL 60478-5219

Jennifer J. Volpe
Director of Student Services
Jennifer.volpe@cch160.org
708.957.6200 Voice
708.957.8686 Fax

MEMORANDUM

DATE: June 7, 2016

TO: Margo Brown

FROM: Jennifer Volpe, Director of Student Services

RE: **Letter of Direction and Summary of Meeting**

This Letter is written to memorialize the concerns and solutions discussed at the meeting held on May 18, 2016.

1. **Concern: Letter of Direction**
Solution: The letter of direction will not be placed in your personnel file or used in your evaluation for the 2016-2017 school year. I am confident we have engaged in conversation and reflection regarding concerns addressed in the letter.
2. **Concern: Ordering materials**
Solution: All health office materials, cabinets for storage in the buildings, office supplies and postage should be ordered through Cheryl Sheridan. Please submit the requisition to the department no later than June 15th.
3. **Concern: New AED's**
Solution: Submit a requisition to Cheryl Sheridan no later than June 15th. Please identify the building and location for each AED.
4. **Concern: Staff professional development**
Solution: Nurse Brown indicated she would like to be a member of the District Institute/Professional Development Committee next year. She will be placed on the 2016-2017 committee roster.
5. **Concern: IEP meeting procedures**
Solution: During the May 27, 2016 SIP day, I met with some members of the Student Services Department, including Nurse Brown to clarify and discuss established written district meeting procedures, staff roles and challenges experienced this year. Those in attendance developed solutions regarding scheduling, notices to parents and staff, consent, cancellations and pre-IEP meetings. The written procedures will be updated to include additional information we discussed on SIP Day. All Student Services staff will receive updated written procedures and a review of the Student Services Department expectations in the fall of 2016.

6. **Concern: Health office coverage/substitute procedures**

Solution: Dr. Kibbons indicated an in district nurse substitute pool would be established for the 2016-2017 school year. The eligible substitute candidates will be loaded in AESOP. Nurse substitutes will be requested for absences, conferences, field trips, vision/hearing screening, etc. in the same manner in which teacher substitutes are requested. To date, the posting for the substitute nurse position is live on the district website.

7. **Concern: Southwood Health office coverage for 2016-2017**

Solution: Continued follow up with Dr. Thomas regarding coverage at Southwood for next school year.

cc: Dr. Sandra Thomas, Superintendent

Dr. Pam Kibbons, Director of Human Resources

MEMORANDUM

Date: April 17, 2016

To: Mrs. Volpe

From : Margo E. Brown, RN. District Nurse

Re: Rebuttal to "Letter of Direction"

CC: Dr. Karen Jones

Dr. Antonia Hill

Mrs. Bridget Harris

Lynette Campbell

Dr. Sandra Thomas

This letter is a rebuttal to your concerns about my performance this school

In regards to our meeting on Friday, April 15, 2016 I feel that I must respond to your letter of direction even though you stated that this letter would not be placed in my file or used in my evaluation next year. Since this was supposed to be a conversation with this "letter of direction", which gave the meeting the flavor of a disciplinary action, it is unfortunate that a letter regarding performance is not issued until April 15, which in no way reflects my overall performance for the 2015-2016 school year.

According to your letter there had been problems with my interacting with students in a disrespectful manner, displaying a negative attitude and comments in team meetings impacting school culture and failure to comply with the director's directive meetings.

When I questioned you about specific examples of any interactions with students that were disrespectful, you were unable to provide me with any specific examples of the alleged behavior and I have not been told by any administrator verbally or in writing that my communication has been inappropriate. When I asked for examples of when I displayed a negative attitude or comments, you were again unable to provide any examples of my perceived attitudes. Your directive to facilitate 504 plan meetings was never followed as you stated I would not be doing anything different than I had been doing and I was to hire a new school psychologist. My concern that I expressed at the time was that I needed refresher training. You have not responded to this request or made any adjustment or consider my current workload since there has been a change in staff. Since Geoffrey left the district we had split the workload for 504 meetings. Since then there has been any adjustment of the workload.



Margo Brown <margo.brown@cch160.org>

"Rescend Letter of Direction"

Fowler, Erin <ef@franczek.com>

Tue, Jun 7, 2016 at 9:02 AM

To: "Dr. Sandra Thomas" <dr.sandra.thomas@cch160.org>, Margo Brown <margo.brown@cch160.org>

Cc: Jennifer Volpe <jennifer.volpe@cch160.org>, Pamela Kibbons <pamela.kibbons@cch160.org>, Sharon Mack <mssharonmack2271@yahoo.com>, Sharon Mack <sharon.mack@cch160.org>, 1494_115007 Country Club Hills School District 160 _ Grievances 2015_2016 E_mail <{F189189}.iManage1@r2d2.franczek.net>

Hello All,

Please disregard the email sent just a few minutes ago. It was inadvertently sent to a few for whom it was not intended. We would greatly appreciate if you would delete this email.

Thanks,

Erin

From: Fowler, Erin

Sent: Tuesday, June 07, 2016 9:01 AM

To: 'Dr. Sandra Thomas'; Margo Brown

Cc: Jennifer Volpe; Pamela Kibbons; Sharon Mack; Sharon Mack; '1494_115007 Country Club Hills School District 160 _ Grievances 2015_2016 E_mail'

Subject: RE: "Rescend Letter of Direction"

Dr. Thomas,

Mike and I received your email to Nurse Brown responding to her email to you Friday afternoon. Your correspondence seems to have appropriately redirected Nurse Brown to the proper administrator based on the established chain of command. Would you like us to further draft any response to this matter at this time?

Thanks,

Erin

From: Dr. Sandra Thomas [<mailto:dr.sandra.thomas@cch160.org>]

Sent: Sunday, June 05, 2016 9:31 AM

To: Margo Brown
Cc: Jennifer Volpe; Pamela Kibbons; Sharon Mack; Sharon Mack
Subject: Re: "Rescind Letter of Direction"

Good afternoon/evening Nurse Brown,

[Quoted text hidden]

[Quoted text hidden]